

LAW OFFICE OF KENNETH J. MONTGOMERY
P.L.L.C.
396 WAVERLY AVENUE
BROOKLYN, NEW YORK 11238
PH (718) 403-9261 FAX (347) 402-7103
ken@kjmontgomerylaw.com

June 24, 2024

BY ECF

The Honorable Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 11210

**RE: United States v. Juan Mendez
Criminal Docket 24 MJ 469-UA**

Dear Judge Aaron:

My client Mr. Mendez suffers from chronic pain from a previous motorcycle accident. He is diagnosed with severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy are ineffective. His physician Dr. Mikhail Artamonov on May 30th, 2024, prescribed him the use of medical marijuana to address his pain. Mr. Mendez has been approved and issued a medical marijuana license. I have included documentation and medical records for the Court's review. The Defendant is seeking approval from the court to receive medical marijuana treatment. Pretrial has let me know that they cannot issue approval and approval has to be issued by the Court.

Thank you for the Court's time and consideration in this matter.

Respectfully,
Kenneth J. Montgomery

Attorney for Juan Mendez
396 Waverly Avenue
Brooklyn, NY 11238

ENDORSEMENT: Request GRANTED IN PART and DENIED IN PART. While the Court cannot eliminate the mandatory legal compliance condition, the Court hereby directs this Court's Pretrial Services Department not to charge a violation of Defendant's pretrial release conditions based solely on Pennsylvania-approved medical marijuana use or a drug-testing result consistent with Pennsylvania-approved medical marijuana usage, provided that: (1) the Defendant provides (a) documentation of his medical condition(s), (b) a signed release permitting the Pretrial Services Department to speak with his prescribing physician, (c) a copy of each medical marijuana prescription or other certification issued to him by an authorized medical professional in accordance with Pennsylvania law, and (d) a copy of his medical marijuana registry identification card to the Pretrial Services Officer; (2) the Defendant demonstrates upon request of the Pretrial Services Officer that any marijuana consumed was obtained through Pennsylvania-authorized channels (by providing copies of dated purchase receipts and permitting inspection of the packaging upon request); and (3) any testing results are not inconsistent with her prescription. *See United States v. Arizaga*, No. 16-CR-00089 (LTS), 2016 WL 7974826 (S.D.N.Y. 2016). SO ORDERED.

Dated: June 26, 2024

A handwritten signature in blue ink, appearing to read "Stuart J. Aaron".